

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR JOHNSON COUNTY

)
)
)
)
)

Case No.

41500-1012-MS-657

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Johnson Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Johnson Circuit and Superior Courts, this Court finds that the proposed rule amendments comply with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that the amendments set forth in the "2011 Modified Plan for Allocation of Judicial Resources" for Johnson County Courts, set forth as an attachment to this Order, are approved effective January 1, 2011. The Clerk of this Court is directed to forward a copy of this Order to the Hon. K. Mark Loyd, Johnson Circuit Court, 5 East Jefferson Street, Franklin, IN 46131-2339; the Hon. Kevin Barton, Johnson Superior Court 1, 5 East Jefferson Street, Franklin, IN 46131; to the Hon. Cynthia S. Emkes, Johnson Superior Court 2, 18 West Jefferson Street, Franklin, IN 46131-2339; to the Hon. Lance Hamner, Johnson Superior Court 3, 5 East Jefferson Street, Franklin, IN 46131-2339; to the Clerk of the Johnson Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Johnson Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination

by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 2nd day of December, 2010.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON COUNTY
CIRCUIT AND SUPERIOR COURTS

FILED

OCT 19 2010

Julius H. Jackson
CLERK JOHNSON CIRCUIT & SUPERIOR CT.

41C01 - 1010 - CB - 00070

41D01 - 1010 - CB - 00030

41D02 - 1010 - CB - 00052

41D03 - 1010 - CB - 00036

2011 MODIFIED PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

I. INTRODUCTION:

In response to the directive issued July 16, 1999 by the Indiana Supreme Court in its Order for Development of Local Caseload Plans, Local Rule 1999-1, the Johnson County Plan for Allocation of Judicial Resources was implemented. The caseload allocation created in Local Rule 1999-1 has, in large part, successfully equalized the caseloads of the Johnson Circuit and Superior Courts.

In response to the increase in caseload, Local Rule 2004-2, now LR41-AR01-057 to LR41 - AR01-066, was implemented in 2004 to maximize judicial resources through reorganizing and specializing of the caseloads for each court, . As the caseload of the Johnson Circuit and Superior Courts continues to increase, concomitant stresses have been placed on court calendars, judicial officers, and court staff.

The 2009 Weighted Caseload Measures produced published by the Indiana Supreme Court Division of State Court Administration reveal that the variance among the Johnson Circuit and Superior Courts is at least 0.54. Thus, for the first time since caseload equalization was required in 1999, the 2009 data reveals that, for the first time since caseload equalization was mandated, the Johnson County Circuit and Superior Courts are not in compliance. Although Johnson County is statistically eligible for at least four (4) additional courts, financial and political realities make it unlikely that additional courts of record will be added in Johnson County for several years. Therefore, slight modification of the caseload allocation plan is necessary.

II. CASELOAD ALLOCATION RULES:

LR41 - AR01 - 057: Criminal Cases.

Criminal case allocation among the courts of record will operate as specified in the Rules for Filing and Reassignment of Criminal Cases, LR41 - CR2.2 - 086.

LR41 - AR01 - 058: Juvenile Cases.

All Juvenile cases (JC, JD, JM, JP, JS, and JT) shall be filed in the Johnson Circuit Court.

- A. CHINS and Terminations. Unless a written order indicates otherwise, Juvenile CHINS (JC) and Juvenile Termination (JT) cases shall be heard by the Judge of the Johnson Circuit Court.
- B. Other Juvenile Cases. Unless a written order indicates otherwise, Juvenile Delinquency (JD), Juvenile Miscellaneous (JM), Juvenile Paternity (JP), and Juvenile Status (JS) cases shall be heard by the Juvenile and Family Court Magistrate.

LR41 - AR01 - 059: Family Court Cases.

Unless otherwise indicated by a written order, all Family Court cases shall be heard by the Juvenile and Family Court Magistrate of the Johnson Circuit Court.

LR41 - AR01 - 060: Remaining Civil Cases.

- A. Reciprocal Support. Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will be heard by the Magistrate of the Juvenile and Family Court.
- B. Probate. All Probate cases (AD, ES, EM, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.
- C. Consumer Collection. All Consumer Collection (CC) cases shall be filed in the Johnson Superior Court No. 1.
- D. Domestic Relations. Domestic Relations (DR) cases shall be filed in the Johnson Circuit Court and the Johnson Superior Court No. 2, on a random and even basis.
- E. Civil Plenary. All Civil Plenary (PL) cases will be filed in the Johnson Superior Court No. 1.
- F. Remaining Civil Cases. All remaining civil cases (CT, MF, and MI) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 3, on a random and even basis.
- G. Small Claims. Small Claims (SC) cases shall be filed in the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 on a random and even basis. Small Claims cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- H. Protection Order. Protection Order cases shall be filed in the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 on a random and even basis, unless involving the same parties as an existing Domestic Relations (DR) or Juvenile Paternity (JP) case.
 - 1. Protection Order (PO) cases not associated with Dissolution (DR) or Juvenile Paternity (JP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
 - 2. Protection Order (PO) cases associated with Domestic Relations (DR) or Juvenile Paternity (JP) cases shall be opened in the courts wherein such associated cases are pending.

LR41 - AR01 - 061: Proceedings Supplemental.

- A. Proceedings Supplemental in Small Claims (SC) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- B. Proceedings Supplemental in all other cases shall be heard in the court supervising that case.

LR41 - AR01 - 062: Evaluation of Workload Information.

- A. Future review of the Caseload Allocation Plan shall be conducted in compliance with the Schedule for the same established pursuant to Administrative Rule 1.
- B. The caseload evaluation shall factor in the disparate allocation of administrative duties among the judicial officers, as well as any special circumstances such as death penalty cases.
- C. Special service by: 1) Johnson County judicial officers outside their own courts; or, 2) special, senior judges, or transfer Judges serving in the Johnson County Courts shall also be considered. Such service shall be calculated, in accordance with the Weighted Caseload Worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration, to the nearest half day of service.
- D. Pursuant to the evaluation of factors outlined in steps 1-3 above, changes necessary to ensure that the Johnson County Courts remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers and shall become effective on June 1 of each year.

III. CRIMINAL RULES:

LR41 - CR2.2 - 086: Random Case Assignment.

- A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.
- B. Misdemeanors, Infractions, and Ordinance Violations. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 086 and LR41 - CR2.2 -87, Misdemeanors- (CM), Infraction (IF), and Ordinance Violation (OV) cases shall be assigned on a random basis among the Johnson Circuit Court, the Johnson Superior Court No. 1, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 3. The distribution between these courts shall be:
 - 1. One quarter (25%) of such cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 1, and the Johnson Superior Court No. 2 on an random and even basis;
 - 2. The remaining three-quarters (75%) of such cases shall be filed in the Johnson Superior Court No. 3;
 - 3. Infraction and Ordinance Violation cases shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
 - 4. Criminal Misdemeanor cases filed in the Johnson Circuit Court, the Superior Court No. 1, and the Johnson Superior Court No. 2, shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts.
- C. Miscellaneous Criminal Cases.
 - 1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 based upon the annual Judges' On-Call Schedule.
 - 2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule LR41-CR00-091.

3. General.

- a. Miscellaneous Criminal cases opened for rights advisements shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 on a random and even basis;
- b. Miscellaneous Criminal cases opened for rights advisements shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
- c. Miscellaneous Criminal cases opened for probation transfers shall be assigned to the Johnson Circuit Court.

PROCESS:

Pursuant to Indiana Trial Rule 81, notice to the Johnson County Public and the Johnson County Bar will be published no later than October 20, 2010 via posting of the same in the Office of the Johnson County Clerk of Courts, distribution to local attorneys, and posting on the website of Johnson County, Indiana (co.johnson.in.us), and the Indiana Judicial System (in.gov/judiciary).

EFFECTIVE DATE:

There is good cause to deviate from the schedule established in Trial Rule 81(C). Therefore, the effective date for the 2011 Modified Plan for Allocation of Judicial Resources is January 1, 2011.

All of which is **SO ORDERED** and **ADOPTED** this 19 day of October, 2010.



HON. K. MARK LOYD, JUDGE
JOHNSON CIRCUIT COURT



HON. KEVIN BARTON, JUDGE
JOHNSON SUPERIOR COURT 1



HON. CYNTHIA EMKES, JUDGE
JOHNSON SUPERIOR COURT 2



HON. LANCE HAMNER, JUDGE
JOHNSON SUPERIOR COURT 3